

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

UNITED STATES OF AMERICA

VERSUS

CRIMINAL NO. 1:04cr15WJG-JMR-1

DANIEL LASHAWN TURNER

ORDER DENYING MOTION FOR SENTENCE REDUCTION

THIS MATTER is before the Court on the *pro se* motion [49] of Defendant Daniel LaShawn Turner for a sentence reduction pursuant to 18 U.S.C. § 3582(c)(2) based upon recent amendments to the sentencing guidelines applicable to offenses involving cocaine base, and the subsequent decision by the United States Sentencing Commission [Sentencing Commission] to make this amendment retroactive, pursuant to United States Sentencing Guideline section 1B1.10 effective March 3, 2008.

Defendant was sentenced in this cause on July 28, 2004, to 18 months imprisonment, 36 months supervised release, and the mandatory special assessment of \$100.00. (Ct. R., Doc. 19.) Upon release from imprisonment, Defendant violated the terms of his supervised release, and at his June 5, 2006, hearing was found guilty of those violations. Defendant was sentenced to 11 months imprisonment to be followed by 24 months supervised release. (Ct. R., Doc. 35.) Upon release from his revocation incarceration, Defendant once again violated the terms of his supervised release, and at a hearing held June 19, 2007, was again adjudicated guilty of those violations. Defendant was sentenced to 11 months incarceration with no supervised release to

follow, which term of imprisonment Defendant is currently serving. (Ct. R., Doc. 46.)

Pursuant to the most recent information from the Sentencing Commission, any reduction in the original guideline imprisonment range resulting from the new guideline amendments would not apply to a sentence being served on a revocation. The Court finds that Defendant's motion is not well-taken and should be denied. It is therefore,

ORDERED AND ADJUDGED that Defendant's motion [49-1] for sentence reduction be, and is hereby denied.

SO ORDERED AND ADJUDGED this the 24th day of August, 2009.



UNITED STATES SENIOR DISTRICT JUDGE